

## Article - Criminal Law

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§7-313.

(a) In this part the following words have the meanings indicated.

(b) (1) “Manufacture” means:

(i) with respect to an unlawful access device:

1. to make, produce, or assemble an unlawful access device; or

2. to modify, alter, program, or reprogram technology, software, or a device to defeat or circumvent technology, software, or a device that is used by the provider, owner, or licensee of a telecommunication service or of a data, audio, or video service, program, or transmission, to protect the telecommunication, data, audio, or video service, program, or transmission from unauthorized receipt, acquisition, access, decryption, disclosure, communication, transmission, or retransmission; and

(ii) with respect to an unlawful telecommunication device or access code:

1. to make, produce, or assemble an unlawful telecommunication device or access code; or

2. to modify, alter, program, or reprogram a telecommunication device or access code to be capable of acquiring, disrupting, receiving, transmitting, decrypting, or facilitating the acquisition, disruption, receipt, transmission, or decryption of a telecommunication service without the express consent or express authorization of the telecommunication service provider.

(2) “Manufacture” includes knowingly to assist another in performing an activity described in paragraph (1) of this subsection.

(c) “Telecommunication device or access code” means:

(1) an instrument, device, machine, equipment, technology, or software that is capable of transmitting, acquiring, decrypting, or receiving telephonic, electronic, data, Internet access, audio, video, microwave or radio communications, transmissions, signals, or services provided by or through a cable

television, fiber optic, telephone, satellite, microwave, data transmission, radio, Internet-based, or wireless distribution network, system, or facility;

(2) a part, accessory, or component of an item listed in item (1) of this subsection, including a computer circuit, security module, smart card, software, computer chip, electronic mechanism, or other part, component, or accessory of any telecommunication device that is capable of facilitating the transmission, decryption, acquisition, or reception of any type of communication, transmission, signal, or service listed in item (1) of this subsection; or

(3) an electronic serial number, mobile identification number, service access card, account number, or personal identification number used to acquire, receive, use, or transmit a telecommunication service.

(d) “Telecommunication service” means a service provided for a fee or other compensation:

(1) to facilitate the origination, transmission, emission, or reception of signs, signals, data, writings, images, or sounds or intelligence of any nature by a telephone, cellular telephone, wire, wireless, radio, electromagnetic, photoelectronic, or photo-optical system; or

(2) by a radio, telephone, fiber optic, cable television, satellite, microwave, data transmission, wireless, or Internet-based distribution system, network, or facility, including electronic, data, video, audio, Internet access, telephonic, microwave and radio communications, transmissions, signals, and services and those communications, transmissions, signals, and services provided directly or indirectly, by or through a system, network, facility, or technology listed in this subsection.

(e) (1) “Telecommunication service provider” means a person that:

(i) owns or operates a fiber optic, cable television, satellite, Internet-based, telephone, wireless, microwave, data transmission, or radio distribution system, network, or facility; or

(ii) provides a telecommunication service directly or indirectly using any of the systems, networks, or facilities listed in item (i) of this paragraph.

(2) “Telecommunication service provider” includes a person that, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunication service.

(f) “Unlawful access device” means an instrument, device, access code, machine, equipment, technology, or software that is primarily designed, assembled, manufactured, sold, distributed, possessed, used, offered, promoted, or advertised to defeat or circumvent technology, software, or a device, or a component or part of any technology, software, or a device used by the provider, owner, or licensee of a telecommunication service or of a data, audio, or video program or transmission, to protect that telecommunication, data, audio, or video service, program, or transmission from unauthorized receipt, acquisition, access, decryption, disclosure, communication, transmission, or retransmission.

(g) (1) “Unlawful telecommunication device or access code” means a telecommunication device or access code that has been altered, designed, modified, programmed, or reprogrammed, alone or in conjunction with another telecommunication device or access code, to facilitate the disruption, acquisition, receipt, transmission, or decryption of a telecommunication service without the express consent or express authorization of the telecommunication service provider.

(2) “Unlawful telecommunication device or access code” includes a device, technology, product, service, equipment, access code, computer software, component, or part that is primarily distributed, sold, designed, assembled, manufactured, modified, programmed, reprogrammed, or used to provide the unauthorized access to or receipt, transmission, disruption, decryption, or acquisition of a telecommunication service provided by a telecommunication service provider.

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